

PATENT
Docket No. 311772000600

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231, on August 26, 1999.

Kathy Johnston
Kathy Johnston

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

ALLEN et al.

Serial No.: 09/289,576

Filing Date: April 9, 1999

For: METHODS OF TREATING
SCHIZOPHRENIA

Examiner: Unknown

Group Art Unit: 1614

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PETITION FOR A CORRECTED FILING DATE UNDER 37 C.F.R. 1.10 (d)

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is a Petition under 37 CFR 1.10 (d) to accord to U.S. Patent Application Serial No. 09/289,576 (hereinafter "correspondence") a filing date of April 9, 1999, which corresponds to the date the correspondence was deposited with the United States Postal Service (USPS). Attached is a copy of the Filing Receipt for U.S. Patent Application Serial No. 09/289,576 showing the improper date.

The undersigned Petitioner:

- 1) has filed this Petition promptly after becoming aware that the USPTO accorded an improper filing date based upon an incorrect entry by the USPS,
- 2) states that the number of the Express Mail mailing label was placed on the correspondence prior to the original mailing by Express Mail, and
- 3) shows below that the requested filing date is the date that the correspondence was deposited with the USPS. The attached corroborating evidence includes evidence from the USPS.

The correspondence was deposited with the U.S. Post Service, Express Mail service, on April 9, 1999. The transmittal included a "Certificate of Mailing by "Express Mail" listing the Express Mail Label No. in accordance with 37 C.F.R. 1.10. In support of this, attached to this Petition are photocopies of:

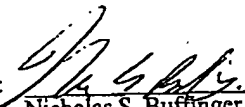
- the first page of the transmittal letter bearing the Certificate of Mailing by "Express Mail";
- the outgoing mail log of the Palo Alto office of Morrison & Foerster, LLP, date stamped April 9, 1999, showing that a package from NSB (the initials of the undersigned Petitioner) for docket no. 398802000600 (the docket number of the correspondence) was sent out on April 9, 1999; and
- a USPS form entitled "Pickup Service Statement-- Express Mail, Priority Mail, or Parcel Post" evidencing the pickup by a USPS representative of an Express Mail package bearing the Express Mail Label No. shown on the Certificate of Mailing by "Express Mail" on the transmittal letter for the correspondence on April 9, 1999.

In the unlikely event that the transmittal letter is separated from this request and the Patent Office determines that a fee is required, applicants petition for any required relief including extension of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 (our ref. 398802000600). However, the Assistant commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: August 26, 1999

By:


Nicholas S. Buffinger
Registration No. 39,124

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Palo Alto, California 94304-1018
Telephone: (650) 813-5816
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103X
6-001FILING RECEIPT
CORRECTED
 UNITED STATES DEPARTMENT OF COMMERCE
 PATENT AND TRADEMARK OFFICE
 ASSISTANT SECRETARY AND COMMISSIONER
 OF PATENTS AND TRADEMARKS
 WASHINGTON, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FILED REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	INT CL
09/289,576	04/10/99	1614	\$736.00	398862000600	0	43	5

04/04/99

 MORRISON & FOERSTER
 755 PAGE MILL ROAD
 PALO ALTO CA 94304-1018

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Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the date presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice of Missing Parts of Application" ("Missing Parts Notice") in this application, please submit any corrections to this Filing Receipt with your reply to the "Missing Parts Notice." When the PTO processes the reply to the "Missing Parts Notice," the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

 MORRISON & FOERSTER LLP
 RICHARD C. ALLEN, FLEMINGTON, NJ; MICHAEL CORNFELDT,
 MORRISTOWN, NJ

 IF REQUIRED, FOREIGN FILING LICENSE GRANTED 05/07/99 ** SMALL ENTITY **
 TITLE
 METHODS OF TREATING SCHIZOPHRENIA

PRELIMINARY CLASS: 514

DOCKETED

DATA ENTRY BY: GARNETT, SANDRA TEAM: 06 DATE: 08/16/99

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